

Serial No. 10/710,309
Attorney Docket No. 70655.1500

REMARKS

Applicants reply to the Final Office Action mailed on November 21, 2005 within two-months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-14 were pending and the Examiner rejects claims 1-14. In reply, Applicants amend claims 1, 2, 10, 11, and 13, cancel claim 14 without prejudice to filing one or more claims having similar subject matter, add claims 15- 17 and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

35 U.S.C. § 112 REJECTIONS

Claim 11 stands rejected for lack of antecedent basis for the terms "said data packet." Applicants' amendment to claim 11 renders this rejection moot. Accordingly, Applicants request withdrawal of the rejection of claim 11.

35 U.S.C. § 103 REJECTIONS

Claim 1-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2005/0122209 ("Black") in view of U.S. Patent Application No. 2005/0098621 ("de Sylva"). Applicants respectfully traverse.

Applicants' amendment to independent claim 1 renders this rejection moot. As indicated by the Examiner in the Office Action dated November 29, 2005, regarding claim 11 of application no. 10/710,308, "verifying whether the sample is associated with a preset transaction limit" is non-obvious.

Neither Black, de Sylva, nor any combination thereof, discloses or suggests a method including at least "verifying said proffered biometric sample to determine whether said proffered biometric sample is associated with a preset transaction limitation; and authorizing a transaction subsequent to verification that said transaction is in compliance with said preset transaction limitation" as recited in amended claim 1.

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Accordingly, Applicants assert that claim 1 is patentable over the cited references. Similarly, whereas claims 2-13 variously depend from claim 1 and contain all of the elements thereof, Applicants assert that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to its own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1-13.

NEW CLAIMS 11-15

New claims 15-17 depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that new claims 15-17 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

CONCLUSION

Applicants respectfully submit that the pending claims (16 total, 1 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

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